

REMARKS

Claims 1-8 are pending in the application. Claims 1-8 stand rejected.

Claim 5 is not rejected by prior art. The independent claims have been amended herein to include the limitations of claim 4 and claim 5. Claims 4 and 5 have been cancelled herein.

Figs 1A-AE have been objected to for requiring the label “prior art.” Enclosed herewith are substitute Figs 1A-AE having the label “prior art.”

Claims 1, 2, 6, 7 and 8 have been objected to for informalities which have been corrected herein.

Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph. More specifically the Examiner objected in claim 3 to the term “the same label” because it could define either the previously disclosed label or that the labels are the same, and in claim 4 the Examiner objected to the term “the same path” as not being clear to define whether it is the same path as the “set-up label switched path or it is a different path that is the same as another path.

The claim 3 has been clarified herein and claims 4 and 5 cancelled. It is respectfully requested the rejections be withdrawn.

Claims 1, 2, 6, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredette et al. Claims 3 and 4 are rejected under 35 U.S.C. 103 as unpatentable over Nagami et al. in view of Fredette et al.

The objections are traversed because none of the references show or suggest the features of applicant’s claim 5 which has been included in each independent claim.

REMARKS

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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